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Established 1934

December 18, 2002

Clerk
Michigan Supreme Court
PO Box 30052
Lansing, MI 48909

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OFFICE OF
THE CHIEF JUSTICE

RE: Proposed Changes to MCR2.102

Dear Clerk:

The Oakland County Bar Association has reviewed and discussed the proposed amendment to MCR2.102. The Association is opposed to the amendment for the following reason.

By eliminating the "good cause" standard for extension of a summons, a party might well lose his or her substantive rights, when the reason for not serving the summons is valid, i.e., ongoing settlement negotiations, etc. If the statute of limitations expires during the time that the summons expires, there would be no remedy available to the plaintiff for failure to serve. The Association believes that the trial judge should have the discretion to determine whether "good cause" exists to extend the summons, and in doing so, should be able to consider any valid reason posed by the party for not attempting to serve the summons and complaint.

Should you have additional questions or concerns, please do not hesitate to contact me.

Very truly yours,

Donald F. Tucker

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